

CALIFORNIA APPRENTICESHIP COUNCIL (CAC)
2006 THIRD QUARTER MEETING

THURSDAY, JULY 27, 2006

I. Chairman Max Turchen called the meeting to order at 12:30 p.m.

A. Commissioner Zampa, Jr. led the Pledge of Allegiance.

B. Chief David Rowan called the roll: There was a quorum.

PRESENT

Leo Garcia
Anne Quick
Neil Struthers
Wayne Lindholm
Dick Zampa, Jr.
Max Turchen
William Callahan
Aram Hodess
Ron Selge
Dave Rowan, DAS Chief
John Rea, DIR Acting Director

ABSENT

Bert Tolbert
Carole Cresci Colbert
Marvin Kropke
Cedric Porter

C. Minutes of the Previous Meeting – May 3-5, 2006

It was moved and seconded that the minutes of the last quarterly meeting be approved. (Correction of Mr. Galligos' name (page1) that was pointed out was corrected prior to the publication of the minutes.) All commissioners present voted in favor of the motion; none opposed. The minutes were approved.

D. Announcements: There were no announcements at this time.

E. Communications: There was no report given at this time.

II. EXECUTIVE SESSION: There was a brief break for an Executive Session.

III. BUSINESS SESSION:

A. Legal Matters:

Julian Standen, Attorney General's Office, Department of Justice gave an update of the matters pending.

1. OATELS – De-recognition Proceedings 29 CFR 29.13 – No developments on this at this time. A decision is expected in latter part of the summer or fall.
2. California Pipe Trades, et. al. v CAC, San Francisco Superior Court No. CPF 05-505615/Court of Appeal, First District, Div. 2, No. A113150 – The matter has been fully briefed before the Court of Appeals. Decision is expected in the early part of next year, probably in time for the March council meeting. No action is required by the Council on this matter at this time.

B. Appeal Board Decision

Rein Floyd vs. Pipe Trades of Santa Clara and San Benito Counties (CAC Case No. 06-CAC-01, DAS Case No. 2004-7). Commissioner Garcia read the decision.

Facts and Background:

- On January 24, 2000, appellant Rein Floyd was indentured as an apprentice with the respondent Pipe Trades JATC of Santa Clara and San Benito Counties.
- On February 23, 2004, the JATC notified Mr. Floyd that the JATC requested the Administrator of Apprenticeship to cancel his apprenticeship agreement. The request was based on Castro Plumbing's termination of Mr. Floyd's employment and other past disciplinary events. Mr. Floyd submitted to the Administrator a complaint against the request. DAS investigated the complaint and reported its findings in an investigative report.
- On October 21, 2005, the Administrator issued a decision denying Mr. Floyd's appeal and approved the cancellation of Mr. Floyd's apprenticeship agreement. Mr. Floyd timely appealed the Administrator's decision to the Council. The chair of the Council appointed a panel to prepare a recommendation on the appeal. The panel consisted of Max Turchen, Leo Garcia, and Cedric Porter. The panel received and reviewed the administrative record of the appeal consisting of the Administrator's decision, the DAS' investigative report and supportive materials, Mr. Floyd's appeal and Mr. Floyd's submission to the panel of his appeal. The panel determined that a hearing on this appeal was not necessary.

Discussion: The council concludes that the Administrator's decision is supported by the evidence and that the JATC was justified in canceling Mr. Floyd's apprenticeship agreement. Considering the above, all of the findings and conclusions of the Administrator's decision, the panel recommended that the Council adopt the above decision.

Determination: The Administrator's decision is upheld, as recommended by panel members Garcia, Turchen and Porter.

Mr. Floyd was present at the meeting and allowed to speak. He expressed that he respected the decision of the Council but felt that some accusations and previous disciplinary actions he had in Castro Plumbing were untrue and unjustified. He requested to be heard in addition to the opportunity afforded to him at this time. Carl Cimino, Director of Pipes Trades Training Center of Santa Clara and San Bernardino Counties, was also present and countered Mr. Floyd's allegations.

There was a motion to approve the appeal panel's recommendation to uphold the findings and decision of the Administrator. The motion was seconded. None opposed. The motion was carried.

- C. Old Business: No items were brought up at this time.
- D. Notice of Appeals to the Council during the Quarter: No notices were presented at this time.
- E. Automatic Orders of the Council: No orders brought up at this time.
- F. Electrician Certification Report

Chief Rowan introduced Luisa Martinez, Sr. Apprenticeship Consultant with DAS – Electrician Certification Unit, who updated the council on the Electrician Certification Unit (ECU) and Testing Center (currently known as Thomson Prometrics, formerly called Experior). The actual statistics are included in the Chief's report. Thomson is undergoing a conversion that started in June until mid-August, which is focused on upgrading technology from Experior to its own, which will further maximize efficiency and expand the number of total test sites from 7 to 23. The listing of the test sites is attached and was also made available to all attendees. Due to high call volumes and low staffing in June and July, Thomson personnel worked overtime and opened on Saturdays. They also hope to hire additional staffing. By mid-August, all 23 sites will be open Mondays through Fridays from 0700 – 2100 hours and on Saturdays, from 0800-1700 hours. In spite of high call volumes (more than 100 calls per day) due to the transition of Thomson, the ECU provides same day call returns. Through the efforts and commitment of its staff and support of the senior management team, ECU has no backlog and the registration of applicants is within five days from receipt of their application. Chief Rowan commended the ECU team for their hard work and dedication in making timely call backs to people with issues and concerns. Commissioner Garcia inquired why there were no testing sites in Chico, Santa Barbara or Ventura. Chief Rowan informed him that for testing sites to be viable, there has to be enough people in an area needing testing. If some entity has 25 or more applicants for testing, DAS may work with them to organize and arrange for Thomson to provide testing over a one or two-day period in remote locations. Chief Rowan explained that there is currently an effort underway to do this in Shasta County. Commissioner Quick applauded the ECU

team and the DAS for their hard work in acting on the electrician trainee's application registration and for getting information out. Mrs. Martinez's team had to go through each of the more than a thousand applications to make sure that each application had the right documentation for registration. Earlier this year, Commissioner Garcia led a team to solicit input from the public on the certification process. The Chief set additional meetings, which were chaired by Commissioner Quick, in places like Eureka, Oakland, Santa Ana, and Fresno to find out some of the issues and problems encountered by the electricians and employers to get the sense of what was out there. The problems were classified under different categories: those that did not require legislation or rule making, and those that may be answered by a consensus of the industry. The task force will meet and work to find a consensus on those issues to see how they could be resolved. It was extremely informative and educational.

G. Industry Minimum Training Criteria Committee Appointments

DAS was unable to confirm that all appropriate parties received invitations to participate; therefore, a postponement on the decision of this matter was requested by the Chief.

H. New Business: No new business was brought up at this time.

IV. CAC STANDING COMMITTEE REPORTS – The chairpersons of the different committees gave a synopsis of their meetings before the CAC.

A. Equal Opportunity committee report of July 26, 2006 – Minutes Attached. There were no questions and comments after the report.

B. Rules and Regulations Committee Report of June 14 and July 27, 2006 – Minutes Attached.

It was moved and seconded that the draft (#1.4 06142006) of CCR 212.01 be forwarded to the Office of Administrative Law for rule making. All commissioners present were in favor of the motion. None opposed. The motion was carried. There were no questions or comments after this report.

C. Legislation Committee Report of June 14 and July 26, 2006 – Minutes Attached. No questions and comments were made after this report.

Commissioner Garcia asked if anyone knew where the Apprenticeship Hall of Fame was in the Capitol. Nobody knew where it was. He also followed up on his inquiry, from the last CAC meeting, about the approval of the San Diego Residential Electrical Program and proof of their financial ability based on 202(a) (5), if this should apply to all future programs. Chief Rowan said that all the programs follow the same requirements included in the proforma which was discussed in detail in the Rules and Regulations Committee earlier in the day. While the proposed proforma

would be the format for future approvals, new programs should not wait for it to be finalized but should simply work with their DAS consultants.

Don Davis, Director of Los Angeles County IBEW/NECA attested that, for his new program, Chief Rowan wanted him to provide the financial information for the next five years with his anticipated number of apprentices, cost of training and sources of revenue.

The meeting adjourned for the day at 5:00 p.m.

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CALIFORNIA APPRENTICESHIP COUNCIL (CAC)
2006 THIRD QUARTER MEETING

FRIDAY, JULY 28, 2006

I. The meeting was reconvened at 0800 hours.

A. The Pledge of Allegiance was led by Commissioner Selge.

B. The roll was called by Chief Rowan. There was no quorum.

PRESENT

Leo Garcia
Anne Quick
Wayne Lindholm
Max Turchen
Aram Hodess
Ron Selge
Dave Rowan, DAS Chief
John Rea, DIR Director

ABSENT

Bert Tolbert
Carole Cresci Colbert
Neil Struthers
Dick Zampa
Marvin Kropke
William Callahan
Cedric Porter

C. Announcements: There were no announcements at this time.

D. Communications: No communications at this time.

II. FORUM:

A. Apprentice Complaint Process Improvements

Glen Forman from DAS used a slide presentation to demonstrate how the apprentice complaint process will be streamlined to better serve the public. (Power point screens attached.) Fred Lonsdale further explained the issues related to the regulations and why this process can be more efficient, work smoothly, and simplify the paperwork required. In the following weeks, all the program sponsors will receive letters explaining the new process and will be provided with the new form. The consultants have been briefed about this.

Director Rea commented that apprenticeship programs should appreciate that they have an apprenticeship appeals/complaint resolution process which acts as an insurance for their interest.

QUESTIONS:

1. Len Viramontes, asked about the Division's plans for training the consultants doing the investigation so it goes faster and the reports are written better. Chief Rowan will address this in the Chief's report on what DAS planned to do regarding training.
2. Rick Johnson inquired when the form would be online. He mentioned that, with only two consultants in his area, having the form online will save 5-10 days for securing the form. Mr. Forman said DAS is planning to create a website just for program sponsors that will contain miscellaneous forms and information. Mr. Johnson requested to have the DAS 36 in this website.
3. Don Davis had two questions: (1) He asked if it is still a 30-day statute of limitation for an appeal. Chief Rowan confirmed the 30-day limitation. (2) When paperwork is received and an investigation is begun, what is the process? Fred Lonsdale explained the new process presented earlier. There will be a pre-hearing conference, evidence will be identified that is focused on the complaint/appeal, duration of the hearing will be determined, and the hearing will be set within 30 days from the pre-hearing conference. At that hearing, each side will present evidence and make its arguments. Decision by the administrator will come out within 60 days.

In that process of the hearing and pre-hearing, at what point do attorneys who represent either side be allowed to participate? Mr. Lonsdale said that attorneys can participate at any time during the process.

Commissioner Garcia commended the new process because it will be good for the industry. He asked if it will be advisable for the JACs to notify a consultant when an apprentice will be dropped so the consultant can do some preliminary work for some prevention. Mr. Forman said that this has been discussed with the consultants and they would try to resolve issues before it gets to this point.

III. EDUCATION AGENCIES REPORT:

- A. DEPARTMENT OF EDUCATION: Al Tweltridge substituted for Richard Dahl and his report is attached.
- B. CALIFORNIA COMMUNITY COLLEGE CHANCELOR'S OFFICE: Barry Noonan's report of the 1997-2006 Summary of RSI Funding and RSI Attendance hours is attached. There is a major change on how the Chancellor's Office handles new programs. Once the program is approved by DAS and the Chancellor's Office, they are guaranteed to get at least 50% of the funds approved. The Napa Valley College and Napa State Hospital have a psychiatric technician program and they graduated 24 out of the 26 from that program and they have all passed the state exam, which is the highest graduation rate of a health-related program. For the Electrician Certification Program, Modesto Junior College is in the

process of getting approval. One of the problems faced by the Community Colleges is when the DAS should be informed within 30 days by the college if a person drops out. There is a law where the college can not reveal any information on enrollment unless the student has signed off on a waiver. In line with this, Dr. Noonan commended Glen Forman who is designing a program wherein every college will have a password to the DAS website. While in the DAS website, another password will be asked to let them have access only to their school number and the list of all their students. This is still in the works and won't be implemented for a while but this will help Mr. Noonan's group tremendously in complying with the regulation.

IV. REPORT OF ADMINISTRATIVE and COOPERATING AGENCIES:

- A. Division of Apprenticeship Standards: Chief Rowan acknowledged the help of Dr. Noonan and Col. Tweltridge and commended them for their passion and commitment to the industry. A power point presentation was shown on the results of the DAS survey. 282 responses were received. Chief Rowan thanked everyone who participated in the survey. The DAS survey results and a summary of the comments contained in the survey will be posted on the website.

The State Bureau of Audits, the past few months, as well as the federal Office of Apprenticeship, audited DAS. DAS is scheduled to meet with the state auditors for a closing meeting to go over the findings of the audit, after which DAS will have a chance to comment on the findings. Though the audit was to be an audit for DAS and CAC, preliminary discussions with the auditors suggest that they will not have any findings/recommendations for the CAC, only DAS.

Director Rea suggested for the group to look at the audit and identify which parts can be used as a springboard to let the legislators know which way they want DAS to go.

- B. Office of Apprenticeship (OA): Patricia Garcia, Regional Executive Assistant

Ms. Garcia's office is currently conducting a review of the DAS and the Apprenticeship Council. This year, California, with the states of Hawaii and Washington, are being audited as part of their regular audits. For new programs, OA has been doing outreach to high growth industries, i.e. security and health care. In the future, she will be giving progress reports on these projects. The Department of Labor has 125 million dollars available for community-based job training grants. The deadline for submitting these grants is this week or next week for community colleges. Another grant activity is for industry-based competency model grants in the advanced manufacturing sector. For this particular solicitation, apprenticeship was mentioned as a model for providing training in advanced manufacturing. In the future, for solicitations for grant applications, her agency wants to work closely with DAS where the apprenticeship model might be a good match for these types of grants.

- C. Department of Corrections and Rehabilitation Division of Juvenile Justice – There was no representative from this agency to give a report.
- D. Department of Corrections and Rehabilitation – There was no representative from this agency to give a report.
- E. California Apprenticeship Coordinators Association – Patrick Pico, Chairman
- Southern California Region - held a career fair with over 300 people attending various crafts, not just sheet metal.
 - San Diego - creating construction academies based on the Kearney High School model to bring the vocational training back to high schools.
 - South Bay group in San Jose - working on a large career expo that will host the San Jose Sheet Metal JATC that will have 13 crafts doing a hands-on career fair.
 - North Bay - recently held a career fair in engineering and construction opportunities.
 - Sacramento - working with schools to create internships, having over 35 positions for construction internships for the summer.
 - San Joaquin and Bay area groups - put out a new booklet to assist area schools and EDD counselors in getting opportunities and contact information for the various crafts.
 - San Mateo group - planning a similar booklet too.

Many of the crafts are participating in the Annual California School Board Association meeting in December at the Moscone Center to show their opportunities to school board members and to bring up their awareness of the apprentice able occupations in California.

- F. CA Association for the Advancement of Apprenticeship Training (CAAAT) – Amy Vasquez, Secretary

Activities with the Apprenticeship and Training Programs

- ABC Golden Gate 9th Annual Graduation – 30 plus graduates receiving journeyman certificates; will pilot a two-week training for new electrician apprentices in the fall.
- UACs are evaluating the results of their Calplan reviews in focusing on how to recruit more females and targeting minority groups.
- ABC San Diego - working closely with New Haven Youth Services to establish a North County Trade Tech Center School for construction training.
- ABC So. Cal - developing a construction presentation to career counselors and students. They also sponsored an apprenticeship program in the Marina Valley School District.
- ABC LA/Ventura - set up classes at the College of the Canyons for upgrade journeyman classes for motor controls and blueprint reading.

- CAAATSA - has four new training centers in Lodi, Sacramento, Hayward and San Diego and will begin training for the 2006-07 school year in September.
- IRCC - half way through in rewriting all text materials, upgrading and expanding metal roof and curriculum.
- MEDA - was interviewed on a radio show about their program and how they are introducing trades to the high school students and recently teamed up with the Sacramento City Schools and placed eight interns for summer jobs.
- PACC - had 19 graduates and participated in the Rebuilding Together Project in Sacramento where low-income families received free desperately needed repairs for their houses. PACC is busy recruiting apprentices for the 2006-07 school year and planning an open house in August.
- WECA – expanded at San Diego Training facility and added three classrooms and enlarged its laboratory, participating with Home Builder Institute and BIA to bring technical construction classes to high school and articulation agreements to transfer into apprenticeship. WICA has experienced an increased number of apprentices and electrical trainees. In August, it has its Residential Program graduation and in November, its Commercial Program graduation.
- CAAAT group is producing a “Where Are They Now” video to highlight a few success stories from the various shop trades graduation. They are requesting that this video be shown in the next CAC meeting in October.

G. Women’s Bureau – No representative was present to give a report.

H. Women in Non-Traditional Employment Roles (WINTER) – No representative was present to give a report.

I. California Workforce Investment Board: No representative was present to give a report.

No other business was brought to the Council. The next CAC Quarterly Meeting will be on October 26-27, 2006, in Universal City.

Adjournment: With no further business, Chairman Turchen adjourned the meeting at 10:30 a.m.